

REMARKS

The Office Action dated February 3, 2006, has been carefully considered. The Applicants respectfully request reconsideration of the application in view of the foregoing amendments and the following remarks.

Claims 22, 25, and 27-31 have been cancelled without prejudice. Claims 23, 24, and 26 have been amended. New Claim 32, which is directed to a method of treating HCV infection, has been added and is fully supported by Applicants' specification. Claims 23, 24, 26, and 32 are pending following the above amendments.

The disclosure has been updated to include the issued patent US 6,777,395, which is a parent of the instant application.

The objection to Claim 30 because of informalities has been rendered moot as a result of cancellation without prejudice of Claim 30.

Claims 27-31 are rejected under 35 USC §112, first paragraph, for lack of enablement.

Claims 27-31 have been cancelled without prejudice. In light of this amendment, the Applicants respectfully request withdrawal of the section 112, first paragraph, rejection.

Claim 27 is rejected under 35 USC §112, second paragraph, as being indefinite.

Claim 27 has been cancelled without prejudice. In light of this amendment, the Applicants respectfully request withdrawal of this section 112, second paragraph, rejection.

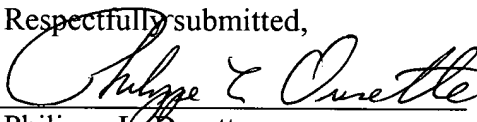
Claims 22-27 and 30-31 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 1-3 and 13 of US Patent No. 6,777,395.

Claims 22, 25, 27, 30, and 31 have been cancelled without prejudice rendering moot the obviousness-type double patenting objection to these claims. The Applicants

maintain that the compounds of Claims 23, 24, and 26 are not obvious over the compounds of Claims 1-3 of the '395 patent. The free nucleoside (5'-OH) and its 5'-triphosphate derivative do not suggest the structurally dissimilar 5'-monophosphate and 5'-diphosphate derivatives with the expectation that they will have similar activity as inhibitors of HCV replication.

Claim 32 is directed to a method of treating HCV infection with a compound of Claim 23, 24, or 26. Since the Examiner has found presently cancelled Claims 28 and 29 to be allowable if amended to overcome section 112 rejection, the Applicants maintain that analogous new Claim 32 should also be allowable.

The Applicants believe that all of the objections and rejections have been overcome by amendment and/or argument, and therefore earnestly solicit an early Notice of Allowance.

Respectfully submitted,
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Date: February 17, 2006